

### **REMARKS**

Claims 1-21 are pending in this application. In the Office action mailed October 2, 2003, claims 1-6 and 9-18 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite, claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,005,545 to Ptaszek et al, and claims 7 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,386,924 to Tang. Applicant thanks the Examiner for the indication that claims 19-21 would be allowable if rewritten in independent form, and has amended claim 19 accordingly.

Applicant traverses the rejections of claims 1-18. However, in order to further prosecution of this application, applicant includes amended claims to more particularly point and distinctly claim the subject matter which applicant regards as the invention. In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

#### **Rejections under 35 USC § 112**

With entry of this amendment claims 1, 9, and 14 have been amended to delete “the form.” Claims 9 and 14 have been amended to provide sufficient antecedent basis for later recitation of, e.g., “the outside” in those claims, “the axial length” in claims 10 and 15, and “the associated track” in claims 12, 13, 17, and 18.

Claims 12 and 17, as amended, no longer recite “the operative driving connection,” instead reciting “an operative driving connection,” which needs no antecedent basis in the claims.

Finally, the term “generally” is no longer in claims 9, 11, 14, and 16, as amended.

Applicant believes claims 1-6 and 9-18, as amended, are definite, and have proper antecedent basis, and therefore satisfy the requirement of 35 U.S.C. § 112, second paragraph, to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, applicant requests that the rejections of claims 1-6 and 9-18 under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Rejections under 35 USC § 102**

The above amendments to claim 1 recite first and second changeable-position, movable facial-expression structures, each operably drivably connected to a different one of the cylindrical elements. In contrast, Ptaszek et al. discloses a cylindrical body 48, to which are joined a top flange 50 and a bottom flange 54. The flanges 50 and 54 are not “operably drivably connected” to any “changeable-position, movable facial-expression structure,” as recited in claim 1. Nowhere in the Ptaszek et al. reference is there discussion of operably drivably connecting different cylindrical elements to different changeable-position, movable facial-expression structures.

Instead, Ptaszek et al. discloses that a projection 60 is joined to cylindrical body 48 and movably coupled to a connector member 62. Rotation of cylindrical body 48 causes motion of projection 60, which in turn causes motion of connector member 62. Motion of connector member 62 is transferred to eyes 32 and 34 through extensions 36 and 40, resulting in pivotal or rotating movements of eyes 32 and 34.

Thus, Ptaszek et al., disclosing only cylindrical body 48 as a cylindrical element movably coupled with connector member 62, does not disclose a first and second

changeable-position, movable facial-expression structure, each operably drivably connected to a different one of the cylindrical elements. Accordingly, applicant believes that amended claim 1 is not anticipated by Ptaszek et al., and requests that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Claims 2 and 3 depend from claim 1, and include all the elements of claim 1. Accordingly, applicant believes that claims 2 and 3 are not anticipated by Ptaszek et al., and requests that the rejections of claims 2 and 3 under 35 U.S.C. § 102(b) be withdrawn.

In the Office action, claims 7 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,386,924 to Tang. Claim 7 recites “a single, shared, rotary drive device ... operatively, drivably connected to said eye and mouth structures” (emphasis added). In contrast, Tang discloses a transmission device 30 including a motor 31, a medium gear 32, and gears 33-36. There is no disclosure or suggestion in Tang of a single, shared, rotary drive device as recited in claim 7.

As disclosed by Tang, support plate 51 of lower jaw unit 50 is actuated by activating gear 36 driven by motor 31, and not by medium gear 32, when motor 31 is active. When motor 31 is then deactivated, spring 54 drives support plate 51 to its original position. In neither case does medium gear 32 drive any part of lower jaw unit 50, or indeed any part of an associated mouth structure. Furthermore, the transmission device of Tang teaches away from a single, shared, rotary drive device since, in particular, only through motions of five different gears 32-36 are any coordinated opening and closing motions in eyebrow unit 40 and lower jaw unit 50 produced.

Claim 8 depends from claim 7, and includes all the elements of claim 7, including a single, shared, rotary drive device. Accordingly, applicant believes that claims 7 and 8 are not anticipated by Tang, and requests that the rejections of claims 7 and 8 under 35 U.S.C. § 102(e) be withdrawn.

Turning finally to the objection to claims 19-21 as being dependent on a rejected base claim, applicant has rewritten claim 19 in independent form. Claims 20 and 21 depend solely on claim 19. Accordingly applicant requests that the objection be withdrawn.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability for all the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 10, 2003.

Mandi M. Leighty  
Mandi M. Leighty

David E. Hall  
David E. Hall  
Registration No. 51,172  
PTO Customer No. 23581  
Of Attorneys for Applicant/Assignee  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679